

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RUSSELL MCLEOD,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-19-138-F
)	
ANDREW M. SAUL, Commissioner)	
of the Social Security Administration, ¹)	
)	
Defendant.)	

ORDER


Plaintiff, Russell McLeod, commenced this action seeking judicial review of the Commissioner’s final decision that he was not “disabled” under the Social Security Act. *See*, 42 U.S.C. §§ 405(g), 423(d)(1)(A). In accordance with General Order 16-4, the matter was referred to United States Magistrate Judge Suzanne Mitchell for hearing, if necessary, and submission of findings and recommendations pursuant to 28 U.S.C. §§ 636(b)(1)(B), 636(b)(3), and Fed. R. Civ. P. 72(b). On December 9, 2019, Magistrate Judge Mitchell issued a Report and Recommendation, recommending that the court affirm the Commissioner’s final decision.

¹ On June 17, 2019, Andrew M. Saul was sworn in as Commissioner of the Social Security Administration. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Mr. Saul is substituted for Nancy Berryhill, the former Acting Commissioner of the Social Security Administration, as defendant in this action.

The parties have not objected to the Report and Recommendation within the time prescribed by Magistrate Judge Mitchell.² Moreover, they have not sought an extension of time to object. Consequently, they have waived their right to appellate review of the factual and legal determinations. Vega v. Suthers, 195 F.3d 573, 579 (10th Cir. 1999); United States v. One Parcel of Real Property, 73 F.3d 1057, 1059, 1061 (10th Cir. 1996).

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell (doc. no. 33) is **ACCEPTED, ADOPTED** and **AFFIRMED**. The final decision of defendant, Andrew M. Saul, Commissioner of the Social Security Administration, that plaintiff, Russell McLeod, was not “disabled” under the Social Security Act, is **AFFIRMED**. Judgment shall issue forthwith.

IT IS SO ORDERED this 31st day of December, 2019.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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² Magistrate Judge Mitchell apprised the parties of their right to file an objection to the Report and Recommendation by December 30, 2019 and that a failure to make timely objection waives the right to appellate review.